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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,914	11/06/2003	Jung-Fu Chen	LITP0008USA	2913

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
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EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,914	CHEN, JUNG-FU	
	Examiner	Art Unit	
	Angel A. Castro	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-12, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1 and 7 provides for the use of a locking member in an optical disk drive, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Regarding claims 6, 12 and 18, it is not clear what is the meaning of "the shape of the rivet can be a circle, a square, a triangle, or a polygon." Regarding figure 8 of the specification, rivet 23 is not described by any of the geometric figures above mentioned.

5. Claim 15 recites the limitation "the tubular projection" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al (U.S. Pat. 5,668,791).

Regarding claims 1 and 13, as far as it is understood, Yamada et al discloses a locking member for use in an optical disk drive with a chassis 1 and a disk tray 3 (figures 8 and 42), comprising:

a hollow element 330b including a hollow portion;

a protuberance, being integrally formed with the chassis 1 and including a hole; and

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a rivet 332, extending through the hole of the protuberance and the hollow portion of the hollow element;

a locking mechanism 24 (figures 28-30) positioned on the disk tray.

Regarding claims 2-4 and 14-16, Yamada et al discloses a screw thread 330d that is integrally formed on the hollow portion of the hollow element, and a screw thread 332d is integrally formed on a tubular projection of the rivet.

Claims 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gitzendanner (U.S. Pat. 4,117,997).

Regarding claims 7 and 10, as far as it is understood, Gitzendanner discloses a locking member for use in an optical disk drive with a chassis (figure 5), comprising:

a bushing 21 including a hollow portion;

a protuberance (not labeled), being integrally formed with the chassis 16 and including a hole;

a washer 23, having a hole and aligned with the protuberance; and

a rivet 22, extending through the hole of the protuberance, the hole of the washer and the hollow portion of the bushing.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al in view of Brown et al (U.S. Pat. 6,116,566).

Regarding claims 5 and 17, Yamada et al discloses the locking member described above. Yamada et al does not specifically disclose that the hollow element and the rivet are of plastic. Brown et al teaches a locking member made of plastic (see figure 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the locking member of Yamada et al with the hollow element and the rivet made of plastic as taught by Brown et al.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the locking member of Yamada et al with the hollow element and the rivet made of plastic as taught by Brown et al as doing this would reduce the manufacturing time while reducing cost.

10. Claims 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitzendanner in view of Brown et al.

Regarding claims 8-9 and 11, as far as it is understood, Gitzendanner discloses the locking member described above. Gitzendanner does not specifically disclose that a screw thread is integrally formed on the hollow portion of the bushing, and a screw thread is integrally formed on a tubular projection of the rivet or that the bushing, the washer and the rivet are of plastic. Brown et al shows in figures 13-14 and 20 that a screw thread is integrally formed on the hollow portion of the bushing, and a screw thread is integrally formed on a tubular projection of the rivet and that the bushing, the washer and the rivet are of plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the locking member of

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Gitzendanner with a screw thread that is integrally formed on the hollow portion of the bushing, and a screw thread that is integrally formed on a tubular projection of the rivet and that the bushing, the washer and the rivet are of plastic as taught by Brown et al.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the locking member of Gitzendanner with a screw thread that is integrally formed on the hollow portion of the bushing, and a screw thread that is integrally formed on a tubular projection of the rivet and that the bushing, the washer and the rivet are of plastic as taught by Brown et al as doing this would reduce the manufacturing time while reducing cost.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A. Castro whose telephone number is 571-272-7584. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Angel Castro C".

Angel Castro, Ph.D.